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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ACC INDUSTRIES, INC., a Nevada
corporation; ACC ENTERPRISES, LLC a
Nevada limited liability company; and
CALVADA PARTNERS, LLC, a Nevada
limited liability company, HOWARD MISLE,
an individual; PETER SELTZER, an
individual;

Plaintiffs,

vs.

SOLUTIONARY, INC., a Nevada
Corporation; STEVEN IDELMAN, an
individual; DOE INDIVIDUALS 1-25 and
ROE COMPANIES 26-50,

Defendants.

Case No.: 2:18-cv-00751-GMN-GWF

STIPULATION AND ORDER

COMES NOW Plaintiff ACC Industries (“ACC”), by and through counsel of record,
Brenoch R. Wirthlin, Esq., and Defendant Solutionary, Inc. (“Solutionary”)¹, by and through
counsel Lesley B. Miller, Esq. and Marnie A. Jensen, Esq., and Steven Idelman (“Idelman”)², by
and through counsel, Daniel McNutt, Esq., and do hereby submit this Stipulation and Order as

¹ The defendant named in this action is named as “Solutionary, Inc., a Nevada corporation”
whereas the party having filed the Notice of Removal to federal court references itself as
“Solutionary, Inc., a Delaware corporation.” No party waives any rights regarding arguments
concerning which party is the appropriate party in this action by entering into this stipulation.

² On April 26, 2018, Idelman filed his Notice of Consent to Removal (ECF No. 6) in which he
asserts he has not been served and that he does not waive any objections to service.

1 follows:

2 WHEREAS the underlying state court action was filed in the Fifth Judicial District Court
3 of Nye County, Nevada, under case number CV38919;

4 WHEREAS Solutionary filed its Notice of Removal (ECF No. 2) on April 24, 2018;

5 WHEREAS there are two (2) pending actions in federal court involving some of the
6 named Parties, case no. 2:17-cv-00083-GMN-VCF (“Navarro Action”) and case no. 2:17-cv-
7 00942-JAD-CWH (“Dorsey Action” and collectively with the Navarro Action referred to as the
8 “Pending Actions”);

9 WHEREAS the Pending Actions are currently stayed pending the outcome of various
10 motions filed in the Pending Actions, including a motion to dismiss³ and motion for summary
11 judgment⁴ (“Filed Motions”);

12 NOW THEREFORE, in consideration of the foregoing, the Parties hereby stipulate and
13 agree as follows:

14 The instant action may be stayed for all purposes until 21 days after the Filed Motions in
15 the Pending Actions are decided.

16 Any deadlines, including any deadline for a party’s answer or other responsive pleading,
17 which may have passed prior to the entry of this Stipulation, is stayed as of the date of filing of
18 the Notice of Removal on April 24, 2018.

19 By submitting the instant stipulation Plaintiffs do not waive any right to file a motion for
20 remand or abstention, or any other motion, including without limitation pursuant to 28 U.S. Code
21 § 1447. Should the instant stipulation not be approved by the Court for any reason prior to the
22 expiration of the time period pursuant to which Plaintiffs are required to file a motion for remand,
23 Plaintiffs reserve the right to file such a motion for purposes of retaining their rights only, and
24 hereby stipulate and agree that no defendant shall be required to respond to the motion for remand

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27 ³ See ECF No. 140 in the Navarro Action.

28 ⁴ See ECF No. 142 in the Navarro Action.

1 or abstention, if filed, until 21 days after the Filed Motions are decided in the Pending Actions.

2 DATED this 8th of May, 2018.

DATED this 8th of May, 2018.

3 **HUSCH BLACKWELL, LLP**
4 **KAEMPFER CROWELL**

FENNEMORE CRAIG, P.C.

5
6 /s/ Marnie A. Jensen, Esq.

7 Marnie A. Jensen, Esq. *pro hac vice*
8 *forthcoming* (Nebraska Bar No. 22380)
9 13330 California Street, Suite 200
10 Omaha, NE 68154
11 Lesley B. Miller, Esq. (NV Bar No. 7987)
12 1980 Festival Plaza Drive, Suite 650
13 Las Vegas, NV 89135
14 *Attorney for Solutionary, Inc.*

/s/ Brenoch R. Wirthlin, Esq.

Brenoch Wirthlin, Esq. (NV Bar No. 10282)
300 South Fourth Street, Suite 1400
Las Vegas, Nevada 89101
Attorney for Plaintiffs

12 DATED this 8th of May, 2018.

13 **MCNUTT LAW FIRM**

14
15 Daniel McNutt, Esq.

16 Daniel McNutt, Esq. (NV Bar No. 7815)
17 625 South Eighth Street
18 Las Vegas, NV 89101
19 *Attorneys for Steven Idelman*

20 IT IS SO ORDERED.

21 DATED this 22 day of May, 2018.

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25 UNITED STATES DISTRICT JUDGE
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